

RESOLUTION NO. 75068

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN JOSE AUTHORIZING THE CITY MANAGER TO NEGOTIATE AND EXECUTE AN AMENDMENT TO THE AGREEMENT WITH INTERNATIONAL DISPOSAL CORPORATION OF CALIFORNIA FOR DISPOSAL OF MUNICIPAL SOLID WASTE

WHEREAS, in 1985, the City of San José (“City”) entered into a long-term disposal service agreement with International Disposal Corporation of California, Inc. for the disposal of municipal solid waste at the Newby Island Sanitary Landfill, which agreement was amended in December 5, 1995 (“Disposal Agreement”);

WHEREAS, the City desires to amend the Disposal Agreement to include services to the Water Pollution Control Plant with an estimated annual expenditure of \$1,614,520 for Fiscal Year 2009-2010;

WHEREAS, the City also desires to amend the Disposal Agreement to establish a new basis for calculating regulatory costs required by laws or regulations, or material changes to the interpretation or enforcement of laws or regulations adopted on or after January 1, 2009; and to accommodate changes to Recycle Plus residential solid waste services, and to facilitate the redesign of the commercial solid waste service system; and

WHEREAS, these amendments to the Disposal Agreement would promote Green Vision and Zero Waste goals, and the City desires to negotiate and execute an amendment to the Disposal Agreement for all the above purposes;

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF SAN JOSE THAT:

The City Manager is hereby authorized to negotiate and execute an amendment to the agreement with International Disposal Corporation of California, Inc. for disposal of municipal solid waste and related services to:

1. Provide for the disposal of grease, grit, and screening, and the beneficial reuse of biosolids from the Water Pollution Control Plant, at an estimated annual expenditure of \$1,614,520 for Fiscal Year 2009-2010.
2. Reflect changes to the residential and commercial solid waste management program including, but not limited to, enabling the exclusive commercial franchisees to use the City's disposal capacity at the Newby Island Landfill at the City's rate, clarifying the compensation for baled residential recycling residue, providing for the processing of certain waste generated from the performance of municipal services, and redefining the basis for reimbursement of regulatory costs.

ADOPTED this 23rd day of June, 2009, by the following vote:

AYES: CAMPOS, CHU, CONSTANT, HERRERA, KALRA,
LICCARDO, NGUYEN, OLIVERIO, PYLE, REED.

NOES: NONE.

ABSENT: CHIRCO.

DISQUALIFIED: NONE.

CHUCK REED
Mayor

ATTEST:

LEE PRICE, MMC
City Clerk